

Madam Chair and Members of the House Education Committee:

My name is Dr. Jack Kirkley. I am a biology professor and an ornithologist from Dillon.

EXHIBIT 4
DATE 2-6-15
NO 321

Two years ago I, and many others, appeared before this committee to testify against House Bill 183, a bill sponsored by Rep. Clayton Fiscus. No proponents identified themselves when the Chair asked for a show of hands, nor did anyone step up to this microphone to speak in support of his bill. Apparently on that day, the only supporter of the bill was its sponsor, Representative Fiscus.

Today, Mr. Fiscus has placed before you a nearly identical bill, HB 321. The overwhelming arguments against it remain exactly the same as they were two years ago, when its predecessor was tabled by this committee. As I stated previously, this bill wrongly insinuates that well-established scientific principles such as genetics and evolution are "**controversial**" ideas that are in serious doubt. Nothing can be further from the truth.

Mr. Fiscus' original **bill draft request** of two years ago asked for a bill that would allow creationism (aka intelligent design) to be taught in our public schools. But wisely, the bill drafter chose to avoid using those kinds of words, because they have been ruled unconstitutional, in court cases such as the one in Dover, Pennsylvania. Instead, he simply borrowed some of the stock language that is circulating in similar bills in at least four other state legislatures, mimicking Tennessee's "monkey law" enacted in 2012. These cloned "fake science" bills, such as HB 321, pretend to merely encourage schools to be more open to differing points of view about scientific issues, ostensibly to promote "**critical thinking**", "**academic freedom**", and to "**respond appropriately and respectfully to differences of opinion about controversial issues.**"

But clearly, the intent of this bill remains the same as what Mr. Fiscus originally requested, basically to provide legal cover for any religiously-minded teacher to interject his/her personal agenda into the lessons of his public school science class. As long as the teacher carefully avoids any explicit mention of religion or the Bible or God, and instead, claims that his view is purely "scientific", then virtually any pseudoscientific or religiously-based model could be presented as though it is a perfectly legitimate alternative to our fact-based, scientific explanations.

One might say, So what? What's the harm? We can see how the negative repercussions of this kind of covert proselytizing has played out in one very well-documented, multi-year, multi-million dollar legal battle, namely, the one involving John Freshwater, a Mount Vernon, Ohio high school science teacher who insisted on promoting his religious beliefs as a legitimate alternative in his "science" classroom. He even branded crosses on the skin of some of his students by using a high voltage electrical device. He was fired in 2008, but his long string of legal appeals, alleging wrongful discharge, have strung out over the past 7 years, only just last month coming to an end, when the United States Supreme Court refused to hear his case. Thus ended Mount Vernon, Ohio's very costly nightmare.

Do you really want to open this Pandora's Box here in Montana? This bill before you (HB 321) would open wide the gates of our schools to individuals like Mr. Freshwater, giving them a huge legal loophole, plenty wide enough for them to drive their personal political or religious agendas through.

And, let's be honest... any bill such as this one, will undoubtedly fall to veto pen of Governor Bullock. So, I ask you to ask yourself What is real purpose of this bill? It won't become law. So what is its purpose? Is it merely a case of posturing for some special interest group? Or, is it a litmus test.... aimed at drawing a line in the sand? Is it asking you, as a legislator, to proclaim whether or not you are one of the "true conservatives"... committed to the benighted cause of returning God to our public schools? Is that its purpose? If so, I hope you realize that's a false choice. The choice here really is this, whether or not you support this nation's Constitutional guarantee that church and state shall remain separate. That no child in our public schools will be subjected to anyone's religious dogma, whether it be blatantly overt or cleverly covert. Our school administrators need to have the authority guard against these potential abuses, and they should not be shackled by a bill like this one.

I will conclude as I did two years ago..... This bill needs to die a quiet death.

Thank you for considering my concerns about HB 321. And, thank you for your unselfish service to this state.

